

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSEPH T. PASIONEK,)	
)	
Plaintiff,)	
)	
v.)	Case No. 04 CV 11172 RWZ
)	
AMTRAK,)	
)	
Defendant.)	

JOINT MOTION FOR STAY OF PROCEEDINGS

Plaintiff Joseph Pacionek ("Mr. Pacionek") and Defendant National Railroad Passenger Corporation ("Amtrak") report herewith on the status of this civil action as requested by this honorable Court and jointly move for a stay of all proceedings for the following reasons:

1. The parties completed initial discovery on or about March 31, 2005.
2. The parties reached a tentative settlement agreement of this matter at a mediation held on April 1, 2005.
3. The terms of the settlement agreement are contingent upon the Railroad Retirement Board ("RRB") granting Mr. Pacionek's application for a full disability annuity due to his alleged inability to work as a sheet metal worker at Amtrak as a result of his exposure to sulfuric acid and possibly other fumes.
4. The RRB recently informed Mr. Pacionek that he should contact it if he did not receive a decision on his disability application from the RRB on or before July 10, 2005. Consequently, it is the hope of the parties that they will know by that date whether the

disability annuity will be awarded.

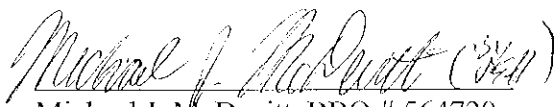
5. In the event the disability annuity is awarded to Mr. Pacionek, certain arrangements have been agreed upon by the parties which should resolve this dispute and lead to a withdrawal of the Complaint.
6. In the event the RRB denies Mr. Pacionek's request for a disability annuity, the parties will meet to determine if settlement can be reached under substantially different terms. If settlement cannot then be reached, the parties will move the court for an order allowing the commencement of final phase discovery in this matter, and setting forth a new schedule to be followed through trial.
7. The parties believe that the Court's stay of the proceedings will not prejudice either party and will help facilitate an amicable resolution of this matter while avoiding undue expenditure of time and resources by the parties and the Court.

WHEREFORE, Mr. Pacionek and Amtrak request that the Court approve their motion for a stay of all proceedings until the Railroad Retirement Board issues its decision on Mr. Pacionek's application for a disability annuity.

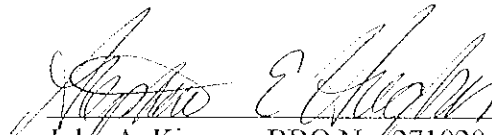
Respectfully submitted,

PLAINTIFF,
Joseph Pacionek,
By his attorney

DEFENDANT,
National Railroad Passenger Corporation
By its attorneys,



Michael J. McDevitt, BBO # 564720
Lawson & Weitzen, LLP
88 Black Falcon Ave., Suite 345
Boston, MA 02210
(617) 439-4990



John A. Kiernan, BBO No. 271020
Stephen E. Hughes, BBO No. 629644
Bonner Kiernan Trebach & Crociata
One Liberty Square
Boston, MA 02109
(617) 426-3900

Dated: April 5, 2005